

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA-2349-2018 (O&M)
Date of decision : 30.01.2020

Malkiat Singh

...Appellant

Versus

Jabbar Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parveen K. Kataria, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below while dismissing the suit for declaration with consequential relief of permanent injunction. The plaintiff has also challenged that sale deed dated 08.11.2010 is null, void and not binding on his rights.

Late Sh. Surjan Singh had executed a registered Will in favour of Jabbar Singh son of Gobind Singh on 23.10.2002. Jabbar Singh is nephew of Surjan Singh. Surjan Singh was issueless. Malkiat Singh, the other brother of Surjan Singh has filed this suit.

Both the Courts, on appreciation of evidence, have found that the execution of the Will dated 23.10.2002, which is registered, has been proved by examining DW3 Kuldeep Singh, the attesting witness and Scribe of the Will, Hira Lal Goyal. The Courts have also noticed that the plaintiff

filed the previous suit wherein it was admitted that Jabbar Singh is owner of 3/4th share. Thus, Malkiat Singh had not challenged the ownership of Jabbar Singh which includes the property inherited by Jabbar Singh from Surjan Singh, in the previous suit.

Learned counsel for the appellant, although made sincere attempt, however, failed to draw attention of the Court to substantive misreading or non-reading of evidence. Learned counsel for the appellant also failed to draw attention of the Court to any error of law. Hence, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Accordingly, the present Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

30.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No